

2. A precomposition suitable for preparing a composition according to claim 1, comprising separate containers of the biologically active mixture and controlled release formulation, which containers are adapted to cause combination of the biologically active mixture and controlled release formulation.
3. A composition of claim 1, wherein the biologically active agent is selected from the group consisting of an antiinflammatory agent, an antibacterial agent, an antifungal agent, an analgesic agent, an anesthetic agent, an immunogen, a vaccine, an antineoplastic agent, a growth or survival agent, a hormone, a cardiovascular agent, an anti-ulcer agent, a bronchial agent, a central nervous system agent, a gene, a gene fragment, an insertion vector carrying a gene or gene fragment, and any combination or multiple thereof.
14. (Amended) A composition of claim 1 wherein the thermoplastic polymer formula contains monomeric units selected from the group consisting of lactide, glycolide, caprolactone, anhydride, amide, urethane, esteramide, orthoester, dioxanone, acetal, ketal carbonate, phosphazene, hydroxybutyrate, hydroxyvalerate, alkylene oxalate, alkylene succinate, amino acid and any copolymer and terpolymer combination of these monomeric units in random order or in block order.
15. A composition of claim 14 wherein the monomeric units include lactide, glycolide, caprolactone, hydroxybutyrate, and any combination thereof.
19. A composition of claim 1, wherein the emulsion is a water-in-oil emulsion.
28. A composition of claim 1 wherein the thermoplastic polymer is in mixture with a non-polymeric material.
29. A composition of claim 1 wherein the aqueous carrier is water, saline, physiological buffer solution, cell-culture medium, aqueous nutrient medium, aqueous mineral medium,

aqueous amino acid medium, aqueous lipid medium, aqueous vitamin medium or any combination thereof.

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Please add the following new claims.

- Sub E2
30. (New) A composition of claim 1 wherein the organic solvent is selected from the group consisting of esters of carbonic acid and alkyl alcohols, alkyl esters of mono-, di- and tricarboxylic acids, and alkyl ketones.
31. (New) A composition of claim 1 wherein the organic solvent is selected from the group consisting of propylene carbonate, diethyl malonate, ethylene carbonate, dimethyl carbonate, 2-ethoxy ethyl acetate, ethyl acetate, methyl acetate, ethyl butyrate, diethyl glutonate, tributyl citrate, diethyl succinate, tributyrin, isopropyl myristate, dimethyl adipate, dimethyl succinate, dimethyl oxalate, dimethyl citrate, triethyl citrate, acetyl tributyl citrate, glyceryl triacetate, methyl ethyl ketone, tetrahydrofuran,
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#### REMARKS

Claim 1 is amended and claims 30 and 31 are added. As a result, claims 1-3, 14, 15, 19, 28-31 are now pending in this application.

Applicants have not added any new matter with the addition of claims 30 and 31.

Support for these claims may be found at page 13, line 17 through page 14, line 5.

Applicants respectfully request reconsideration of the application in light of the foregoing amendments and the following remarks.

#### §102 Rejection of the Claims

The Examiner has rejected the pending claims under 35 USC § 102(b) as being anticipated by WO 95/27481. The Examiner asserts that the '481 reference discloses an emulsion of an aqueous carrier containing the active agent and a liquid prepolymer